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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,091	04/09/2001	Paul J. Rankin	PHGB 000049	1787

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BRIARCLIFF MANOR, NY 10510

EXAMINER

KENNEDY, LESA M

ART UNIT PAPER NUMBER

2151

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,091

Applicant(s)

RANKIN ET AL.

Examiner

Lesa Kennedy

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/9/01 & 12/31/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. This action is responsive to the application filed on April 9, 2001. Claims 1-11 are pending examination. Claims 1-11 are directed towards a method and system for delivering data to a portable communications device.
2. Some of the references cited by the examiner are not included in this action since they were already provided in the PCT International Search Report for International Application No. PCT/EP01/04026 submitted as a part of this application.

Drawings

3. The drawings are objected to because items in Figures 1-5 do not have descriptive labels (e.g. 18.R in Fig. 1). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The abstract of the disclosure is objected to because it does not adequately describe the subject matter of the dependent claims. Correction is required. See MPEP § 608.01(b).
6. The disclosure is objected to because it makes reference to an incorrect European patent number on page 1, lines 10 and 19.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Amin (European Pub. No. EP 0 888 025 A2) for the reasons stated in the PCT International Search Report for International Application No. PCT/EP01/04026.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-5, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis (Intl. Pub. No. WO 99/33293) in view of Bunney et al. (European Pub. No. EP 0 944 002 A1).

As to claim 1, Dennis teaches a networked communications apparatus comprising at least one server and a plurality of user stations, wherein the user stations comprise terminals which can receive information from the at least one server by means of a connection via a first network [pg. 7, lines 11-20; Dennis discloses that users terminals access information on a personal profile server via the internet (first network)], the apparatus further comprising:

storage means holding a profile database, which profile database contains data representing a characteristic behavior of an associated user terminal [pg. 7, lines 14-20; Dennis discloses that personal profiles are stored on the personal profile server];

wherein the user station further comprises a portable communications device coupled with said terminal [Fig. 1; Dennis discloses a terminal connected to a wireless device via the internet and a wireless network; pg. 8, lines 18-20; Dennis discloses a terminal connected directly to a wireless network] and connectable to said at least one server via a second network [Fig. 1; pg. 7, line 21; Dennis discloses a wireless device coupled to an internet personal profile server via a wireless network (second network)], wherein the coupling with said terminal is by wireless transmission therefrom, and the portable communications device means for receiving wireless transmissions from the terminal are further configured to receive additional data transmitted wirelessly from other sources than said second network [pg. 14, line 28 – pg. 15, line 6; Dennis discloses that the wireless device can receive information directly from other networks, e.g. a banking network].

Dennis does not expressly teach the limitation of storing data representing a characteristic behavior of an associated user terminal network address or addresses, the data being acquired automatically in response to an activity of the associated user and being stored together with the associated user terminal network address or addresses in the profile database.

However, Bunney teaches a method and system for retrieving information for a user based on an automatically created user profile. Bunney teaches the limitation of storing data representing a characteristic behavior of an associated user terminal network address or addresses, the data being acquired automatically in response to an activity of the associated user and being stored together with the associated user terminal network address or addresses in the profile database [par. 0007].

Dennis and Bunney are analogous art because they relate to information delivery based on user profiles.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dennis in view of Bunney so as to automatically create the user profile based on user activity. One would be motivated to do so since the creation of a profile by the user is cumbersome work [Bunney; par. 0003].

As to claim 2, the combination of Dennis in view of Bunney teaches the apparatus as claimed in claim 1, wherein said portable communications device comprises a mobile telephone [Dennis; pg. 7, lines 17-18] and said second network is a telecommunications network [Dennis; pg. 7, lines 22-24; wireless network as second network].

As to claim 3, the combination of Dennis in view of Bunney teaches the apparatus as claimed in claim 1, wherein the first network is the Internet and the user terminals comprise at

least a display device coupled with processor means hosting an Internet browser and user-operable means for control of the same [Dennis; pg. 7, lines 3-4].

As to claim 4, the combination of Dennis in view of Bunney teaches the apparatus as claimed in claim 1, wherein said wireless transmission of additional data conforms to a predetermined set of communications protocols [pg. 14, line 28 – pg. 15, line 6; Dennis discloses that the wireless device can receive information directly from other networks].

As to claim 5, the combination of Dennis in view of Bunney teaches a portable communications device for use in the apparatus of claim 1 and having means for receiving wireless transmissions from said terminal [Fig. 1; Dennis discloses a terminal coupled to a wireless device via the internet and a wireless network; pg. 8, lines 18-20; Dennis discloses a terminal connected directly to the wireless network for a wireless device].

Claim 9 represents a method claim that corresponds to apparatus claim 1. It does not teach or define any new limitations above claim 1, and therefore is rejected for similar reasons.

As to claim 11, the combination of Dennis in view of Bunney teaches a method as claimed in claim 9, further comprising the provision of a plurality of short range beacons distributed about a geographical location, with each of said beacons transmitting a respective item of said additional data to the or each portable communications device when it is in range [Dennis; pg. 8, lines 21-28; pg. 9, lines 9-11].

Claims 6-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis in view of Bunney et al., and further in view of Martin, Jr. et al. (U.S. Pub. No. 2002/0122061).

As to claim 6, the combination of Dennis in view of Bunney teaches the invention substantially as claimed (see rejection of claim 5 above).

The combination does not expressly teach the limitation of a portable communication device further comprising a buffer arranged to receive and store said additional data transmitted wirelessly.

However Martin teaches a method for configuring the display of a mobile device based on factors such as user preferences (par. 0045). Martin teaches the limitation of a portable communication device comprising a buffer arranged to receive and store data transmitted wirelessly [par. 0051; Martin discloses that the mobile device comprises a RAM for storing received data].

Dennis in view of Bunney and Martin are analogous art because they relate to customization of information for wireless devices.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dennis in view of Bunney, in view of Martin so as to allow the wireless device to store received information. One would be motivated to do so to enable the storage of downloaded configuration information on the wireless device [Martin; par. 0054].

As to claim 7, the combination of Dennis in view of Bunney, in view of Martin teaches the portable communications device as claimed in claim 6, further comprising a clock signal source and being arranged to stamp items of received additional data with the time of receipt [pg. 4, lines 13-17; Dennis discloses maintaining a record of wireless transactions].

As to claim 8, the combination of Dennis in view of Bunney, in view of Martin teaches the portable communications device as claimed in claim 5, further comprising user-operable data

input means by operation of which the user is enabled to annotate or alter items of received additional data [pg. 4, lines 13-17; Dennis discloses that the user manages (alters) information received by the wireless device].

As to claim 10, the combination of Dennis in view of Bunney, in view of Martin teaches the method as claimed in claim 9, wherein the first network is the Internet [pg. 7, lines 11-20; Dennis discloses that users terminals access information on a personal profile server via the internet (first network)] and the received additional data comprises one or more Uniform Resource Locators [pg. 6, col. 1, lines 2-6; Martin discloses that the mobile device receives URLs].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Caldwell
Andrew Caldwell